

Chapter 60. Zoning Code -Adoption; Purpose; General Provisions and Definitions; Zoning Districts Uses and Requirements Maps Generally

ARTICLE I. 60.100. ~~IN~~ GENERAL PROVISIONS AND EXCEPTIONS

Sec. 60.101~~0~~. Short title.

Chapters 60 through 69~~7~~ shall be known and may be cited as the Saint Paul Zoning Code.

(Code 1956, § 60.100; Ord. No. 16919, 5-27-82)

Sec. 60.102. Authority.

This zoning code is enacted pursuant to the authority granted to the municipality by Minnesota Statutes sections 462.351 through 462.365.

Sec. 60.103~~1~~. Intent and purpose.

This code is adopted by the City of Saint Paul for the following purposes:

- (a~~1~~) To promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community;
- (b) To implement the policies of the comprehensive plan;
- (c~~3~~) To classify all property in such manner as to encourage the most appropriate use of land throughout the city ~~reflect its peculiar suitability for particular uses;~~
- (d~~4~~) To regulate the location, construction, reconstruction, alteration and use of buildings, structures and land;
- (e~~5~~) To ensure adequate light, air, privacy and convenience of access to property;
- (f) ~~12)~~ To facilitate the adequate provision of transportation, water, sewage disposal, education, recreation and other public requirements;
- (g) ~~11)~~ To lessen congestion in the public streets by providing for off-street parking of motor vehicles and for off-street loading and unloading of commercial vehicles;
- (h) To provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic;
- (i) To encourage a compatible mix of land uses, at densities that support transit, that reflect the scale, character and urban design of Saint Paul's existing traditional neighborhoods;
- (j) To provide housing choice and housing affordability; [The added language in (h),(i), and (j) reflects the intent and purpose of Urban Village Zoning and related text amendments.]
- (k) ~~2)~~ To promote the conservation of energy and the utilization of renewable energy resources;
- (l) ~~6)~~ To conserve and improve property values;
- (m) ~~7)~~ To protect all areas of the city from harmful encroachment by incompatible uses;
- (n) ~~8)~~ To prevent the overcrowding of land with buildings; and ~~(9) To avoid~~ undue congestion of population;
- (o) ~~10)~~ To fix reasonable standards to which buildings, structures and uses shall conform;
- (p) ~~13)~~ To provide for the adaptive reuse of nonconforming buildings and structures and for the elimination of nonconforming uses of land;
- (q) ~~14)~~ To define the powers and duties of the administrative officers and bodies;

- ④) ~~15)~~ To provide penalties for violations of the provisions of this code or any subsequent amendment thereto; and,
- (s) ~~16)~~ To provide for a board of zoning appeals and its powers and duties.

(Code 1956, § 60.200)

Sec. 60.1042. Construction of language.

The following rules of construction apply to the text of this code:

- (a) The particular shall control the general.
- (b) In case of any difference of meaning or implication between the text of this code and any caption or illustration, the text shall control. **Illustrations in this zoning code are provided for purposes of describing, clarifying or providing examples; such illustrations are not to scale and do not replace, limit or expand the meaning of the text.** [Added useful language from Mpls. code.]
- (c) The word "shall" is mandatory, and the word "may" is permissive.
- (d) Words used in the present tense include the future; words used in the singular number include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (e) The word "building" includes "structure" and any part thereof.
- (f) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (g) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (h) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
 - (1) a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - (2) b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - (3) c. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (i) "Abut" means having a common boundary or relationship at either a common property line, street or alley.
- (j) **"Adjacent" means located nearby, with or without contact.**
- (k) ~~10)~~ "Adjoin" means having a common boundary or relationship at a common property line.
- (l) **"Contiguous" means abutting.**
- (m) **A "-" shall mean "through" when used between zoning district abbreviations within a land use category, e.g., "RT1-RM2" Residential Districts shall mean RT1, RT2, RM1, and RM2 Residential Districts.**

(Code 1956, § 60.300)

Sec. 602.1051. Scope of regulations.

No building or structure, or part thereof, shall hereafter be erected, constructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure, or land, or part thereof, except in conformity with the provisions of this code.

[This is a better location for this paragraph, and is the same location as in the Minneapolis zoning code.]

(Code 1956, § 62.101)

Sec. 603.1061. Essential services.

Essential services shall be permitted as authorized and regulated by law and other provisions of the Saint Paul Legislative Code, it being the intention hereof to exempt such essential services from the application of this zoning code. [This is a more logical and obvious location for this paragraph.]

(Code 1956, § 63.100)

Sec. 603.1072. Voting place.

The provisions of this code shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

[This is a more logical location for this paragraph.]

(Code 1956, § 63.101)

Sec. 604.51080. Interpretation Requirements declared minimum .

In their interpretation and application, the provisions of this code shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, **aesthetics, economic viability,** convenience or general welfare. It is not intended by this code to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law, ordinance, rules or regulations. **The city may impose additional requirements where deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning code and the policies of the comprehensive plan.**

[This is a more logical location for this paragraph, and is the same location as the corresponding paragraph in the Minneapolis Zoning Code. The added sentence is in the corresponding paragraph in the Minneapolis zoning code and is the practice in Saint Paul.]

(Code 1956, § 64.213)

Sec. 602.1090. ~~Conflicting~~ Other city, local, regional, state and federal regulations.

- (a) ***Conflicting regulations.*** Whenever any provision of this code ~~conflicts with~~ **imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the any other provisions of this code or** any other law or ordinance, ~~then the more restrictive provision s of this code shall govern, except as otherwise specifically provided. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this code, then the provisions of such ordinance or law shall govern.~~ **then the more restrictive provision s of this code shall govern, except as otherwise specifically provided.**
- (b) ***Reference to other regulations.*** In addition to the requirements of this zoning code, all uses and development shall comply with all other applicable city, local, regional, state and federal regulations. All references in this zoning code to other city, local, regional, state or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the city for enforcement of other local, regional, state or federal regulations.
- (c) ***Current versions and citations.*** All references to other city, local, regional, state or federal regulations in this zoning code are intended to refer to the most current version and citation for those regulations. If such references are no longer valid due to repeal or renumbering, the new regulations intended to replace those cited, regardless of the citation, shall govern, unless **otherwise specified.** [These amendments simplify existing language and add useful language from the corresponding section in the Minneapolis zoning code.]

(Code 1956, § 62.100)

Sec. 60.110. Reasonable accommodation.

The city has a legitimate interest in preserving the character of residential neighborhoods by adopting regulations relating to the number and type of structures and uses, the number of persons who may occupy a dwelling or structure, and off-street parking, in order to control population density, noise, disturbance and traffic congestion. However, these regulations shall not be applied so as to prevent the city from making reasonable accommodation as required by the Federal Fair Housing Act Amendments of 1988. [This is language in the new Minneapolis zoning code, which was adopted after the Federal Fair Housing Act Amendments of 1988.]

Sec. 60.111. Private easements or covenants.

This zoning code is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this zoning code are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the regulations of the zoning code shall govern. [This is useful language from the Minneapolis zoning code.]

Sec. 60.112. Severability.

- (a) *Severability of text.* If any portion of this zoning code is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the zoning code, and such determination shall not affect the validity of the remainder of the zoning code.
- (b) *Severability of application.* If the application of any portion of this zoning code to a particular property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

[This is useful language from the Minneapolis zoning code.]

Sec. 604.50113. Vested right.

Nothing in this code shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

[This is a more logical location for this paragraph.]

(Code 1956, § 64.214)

ARTICLE II. 60.200. GENERAL DEFINITIONS

Sec. 60.2010. General definitions.

For the purposes of this zoning code, the terms defined in *Article II. 60.200. General Definitions* Sections 60.201 through 60.226 shall have the meanings ascribed to them therein. Where terms are not defined ~~herein in those sections~~, they shall have ascribed to them their ordinarily accepted meanings and/or such as the context herein may imply.

(Code 1956, § 301)

Sec. 60.2021. A.

~~Accessory use or accessory.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Adult bookstore.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Adult cabaret.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Adult conversation/rap parlor.~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

~~Adult health/sport club.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Adult massage parlor.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Adult mini-motion picture theatre.~~ [Moved to new Ch. 65. Land Use Definitions and Devt. Standards.]

~~Adult motion picture theatre.~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

~~Adult steam room/bathhouse facility.~~ [Moved to new Ch. 65. Land Use Definitions and Devt. Standards.]

~~Adult uses.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Airport.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Alley. A dedicated public way not more than thirty (30) feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration. Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as foundations, walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

~~Antenna, cellular telephone.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Antenna, public utility microwave.~~ [Moved to new Ch. 65. Land Use Definitions and Devt. Standards.]

~~Antenna, radio and television, broadcast transmitting.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Antenna, radio and television receiving.~~ [Moved to new Ch. 65. Land Use Definitions and Devt. Standards.]

~~Antenna, satellite dish.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Antenna, short wave radio transmitting and receiving.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Apartment. A suite of rooms or a room in a multiple-family dwelling arranged and intended for a place of residence of a single family.

Applicant. The applicant for a building, grading or fill permit, plat approval or site plan review.

~~Artist's studio.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Attic. An unfinished space immediately below the roof of a main building.

~~Auto body shop.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Auto convenience market.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Auto repair station.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Auto service station.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Auto specialty store.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

(Code 1956, §§ 60.302--60.307; Ord. No. 16799, 5-28-81; Ord. No. 17039, 7-7-83; Ord. No. 10-6-83; Ord. No. 17204, 1-15-85; Ord. No. 17521, §§ 1, 2, 1-6-88; Ord. No. 17550, § 1, 4-12-88; Ord. No. 17564, § 1, 5-19-88; Ord. No. 17680, § 1, 9-14-89; Ord. No. 17889, § 1, 11-21-89; C.F. No. 93-279, § 2, 3-25-93; C.F. No. 93-1718, §§ 1--6, 12-14-93; C.F. No. 93-1815, §§ 1--3, 12-28-93; C.F. No. 95-352, § 1, 5-3-95; C.F. No. 95-557, § 1, 6-14-95; C.F. No. 95-471, § 1, 8-9-95; C.F. No. 95-1060, § 1, 9-27-95; C.F. No. 95-1140, § 1, 10-18-95; C.F. No. 96-462, § 1, 6-5-96; C.F. No. 96-694, § 1, 7-10-96)

Sec. 60.2032. B.

Backwater. A body of water connected with, but little affected by, the main stream.

Barge fleeting area. An area on the river, on or off channel, where barges are temporarily parked and secured while tows are assembled or broken up.

Barge slip. A basin, usually adjacent to a wharf, jetty, dock or other cargo-handling facility, where barges are brought for the purposes of loading or unloading cargo.

Basement. ~~That~~ **A** portion of a building ~~which~~ **that** is partly ~~or wholly~~ below grade ~~but~~ **and** so located that the vertical distance from the average grade to the floor is less than the vertical distance from the average grade to the ceiling (that is, more than half way above ground). This portion **of a building** is not a completed structure and serves as a substructure or foundation for a building. [The pronoun *that* should be systematically used to clearly signal a restrictive clause. Since a basement is, under this definition, more than half way above ground, then it cannot be wholly below grade.]

Basement (River Corridor District only). Any area of a structure having its floor subgrade (below ground level) on all four (4) sides.

~~*Bed and breakfast residence.*~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

Block. The property abutting one side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating); or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other physical barrier to the continuity of development, or corporate boundary line of the municipality.

Bluffline. A line along the top of certain steep slopes facing the Mississippi River Valley as shown on the River Corridor Zoning Maps. In any particular case, the bluffline shall mean a line drawn along the top of the bluff such that the slope below the line is steeper than eighteen (18) percent and the slope above is eighteen (18) percent or less.

~~*Boarding care home.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~*Boardinghouse.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~*Brew on premises store.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~*Brewery, micro and regional.*~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

~~*Brewery, national.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Buildable area. That area of a platted lot lying within the required setbacks, exclusive of those areas that are prohibited from development due to steep slopes, wetlands, easements or other conditions protected by ordinance or legal agreement.

Building. Any permanent structure having a roof supported by columns or walls, specifically excluding ~~the~~ trailers ~~or~~ **and** semitrailers as defined by Minnesota Statutes, Chapter 169.

Building code. The Minnesota State Building Code, as adopted by the City of Saint Paul under Chapter 33 of the Saint Paul Legislative Code.

Building height. The vertical distance measured from the established grade to the highest point of the roof surface for flat and shed roofs; to the ~~deck~~ **break** line of mansard **and gambrel** roofs; and to the average height between eaves and ridge for gable; **and hip and gambrel** roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. **The existing grade of the property may not be raised around a new building or foundation in order to comply with the height requirements of this code. When there is a dormer build into the roof, the height is measured to the midpoint of the dormer roof if the dormer(s) exceeds fifty (50) percent or more of the width of any side of the building.** [This clarifies existing Zoning Administrator practice.]

Building line. A line formed by the above grade face of the building, and for the purpose of this code, a minimum building line is the same as a front setback line.

Building, totally or completely enclosed. A structure which provides for all uses to be carried on within walls, and is furnished with doors so that the facility may be totally closed from access.

Business. The engaging in the purchase, sale, barter or exchange of goods, wares, or merchandise or the maintenance or operation of offices or recreational or amusement enterprises, or the furnishing of services for compensation.

(Code 1956, §§ 60.308--60.314, 60.318; Ord. No. 16876, 1-28-82; Ord. No. 17039, 7-7-83; Ord. No. 17204, 1-15-85; Ord. No. 17393, § 1, 9-4-86; Ord. No. 17476, § 2, 7-15-87; Ord. No. 17889, § 2, 11-21-91; C.F. No. 92-479, § 1, 10-29-92; C.F. No. 91-531, § 1, 5-6-93; C.F. No. 96-77, § 1, 2-14-96; C.F. No. 96-1594, § 1, 1-22-97)

Sec. 60.2043. C.

Caliper inches. The length of a straight line measured through the trunk of a tree six (6) inches above the ground.

Canopy. The horizontal extension of a tree's branches in all directions from its trunk.

Capitol area. The area encompassing the state capitol and its surroundings as shown on zoning maps. The zoning regulations in this area are under the jurisdiction of the Capitol Area Architectural and Planning Board.

Cellar. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling (that is, more than half-way below ground). This portion is not a completed structure and serves as a substructure or foundation for a building.

City engineer. The so designated city engineer of the department of public works of the City of Saint Paul.

Clear cutting. The removal of an entire stand of trees and shrubs.

~~*Clinic.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~*Club.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~*Cluster development.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Code. "Code" or "this code," unless the context clearly indicates the Legislative Code or some other code (building, housing, fire, etc.) means the Saint Paul Zoning Code.

~~*Coffee kiosk.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~*College, university or seminary.*~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

Commercial vehicle. Any vehicle serving purposes other than the transportation of persons or registered for a gross vehicle weight of more than nine thousand (9000) pounds. This definition includes, but is not limited to buses, semi-trailers, tractors, skid loaders, flatbeds, dump trucks, hearses, farm equipment, trailers, and trucks that are designed for use in construction, snow removal or tree trimming. [This clarifies existing Zoning Administrator practice. The home occupation provisions of the code prohibit exterior storage of commercial vehicles on residential property, but there is no definition of commercial vehicle. This proposed amendment includes the types of commercial vehicles that have created problems in the past. The 9000 pound threshold is proposed because 9000 pounds is considered an overweight vehicle in §157.04 regulating parking in the public right-of-way.]

~~*Community residential facility, licensed correctional.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~*Community residential facility, licensed human service.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~*Community residential facility, health department licensed.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Comprehensive plan. (See: "master plan.") The city's comprehensive plan, being a compilation of policy statements, goals and objectives, standards, maps, and statistical data to guide the physical,

social and economic development, both public and private, of the community, as adopted by the city council, including any amendments or small area plans adopted as addenda to the comprehensive plan. [New, updated definition to distinguish it from “master plan.”]

~~Conversation/rap parlors.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Council. The council of the City of Saint Paul.

~~Currency exchange.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

(Code 1956, §§ 60.315--60.317, 60.319; Ord. No. 16876, 1-28-82; Ord. No. 17039, 1-7-83; Ord. No. 17054, 10-6-83; Ord. No. 17204, 1-15-85; Ord. No. 17564, § 2, 5-19-88; Ord. No. 17646, § 3, 4-6-89; Ord. No. 17845, § 1, 6-27-91; Ord. No. 17889, § 3, 11-21-91; C.F. No. 93-1718, § 7, 12-14-93; C.F. No. 94-1863, § 1, 1-18-95; C.F. No. 96-1342, § 1, 11-13-96; C.F. No. 00-972, 11-8-00)

Sec. 60.2054. D.

~~Day care.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Dance hall, public.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

DBH. Diameter at breast height, or the diameter in inches of a tree measured at four and one-half (4 ½) feet above the existing grade.

Development. The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

Development (River Corridor District only). The making of any material change in the use or appearance of any structure or land including, but not limited to: a reconstruction, alteration of the size, or material change in the external appearance, of a structure or the land; a change in the intensity of use of the land; alteration of a shore or bank of a river, stream, lake or pond; a commencement of drilling (except to obtain soil samples); mining or excavation; demolition of a structure; clearing of land as an adjunct to construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land; or the dividing of land into two (2) or more parcels.

District. A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this zoning code.

~~Dormitory.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Drip line. An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

~~Drive-in restaurant. (See: "Restaurant, drive-in.")~~ [This is now covered under the definition of “Restaurant, fast-food.”]

~~Dwelling, one-family.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Dwelling, two-family.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Dwelling, three-family.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Dwelling, four-family.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Dwelling, multiple-family.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Dwelling, townhouse.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Dwelling, carriage house.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Dwelling unit. A building, or portion thereof, designed for occupancy by one family for residential purposes used or intended to be used for living, sleeping and cooking or eating purposes.

(Code 1956, §§ 60.320--60.327; Ord. No. 16876, 1-28-82; Ord. No. 16956, 9-9-82; Ord. No. 17039, 7-7-83; Ord. No. 17524, § 3, 1-6-88; Ord. No. 17540, § 1, 2-18-88; Ord. No. 17646, § 4, 4-6-89; Ord. No. 17889, § 4, 11-21-91; C.F. No. 93-1718, §§ 8, 9, 12-14-93; C.F. No. 00-972, 11-8-00)

Sec. 60.2065. E.

Earth-sheltered structure. Any completed building constructed so that fifty (50) percent of the exterior surface area of the building excluding garages and other accessory buildings is covered with earth, and constructed to the following standards:

- (1) Eighty (80) percent or more of the roof area is covered with a minimum depth of twelve (12) inches of earth;
- (2) Fifty (50) percent or more of the wall area is covered with a minimum depth of twelve (12) inches of earth;
- (3) Those portions of the structure not insulated with a minimum of seven (7) feet of earth shall have additional insulation.

~~*Emergency housing facility.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Erected. The word "erected" includes built, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required for the building or structure. Excavation, fill, drainage and the like shall be considered a part of erection.

Erosion. The general process by which soils are removed by flowing surface or subsurface water or by wind.

Essential services. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electric, steam, fuel or water transmission or distribution system collection, communication, supply or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Excavation. Any breaking of ground, except common household gardening and ground care.

(Code 1956, §§ 60.328--60.330, 60.396; Ord. No. 16876, 1-28-82; Ord. No. 17039, 7-7-83; Ord. No. 17845, § 2, 6-27-91)

Sec. 60.2076. F.

Facility resident. A person who resides in a community residential facility and contributes toward meeting the facility's licensed capacity.

Family. One or two (2) persons or parents, with their direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof) together with not more than two (2) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of four (4) or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code.

Fence, obscuring. A fence which is eighty (80) percent or more opaque.

~~*Finishing shop.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Firearm. Any weapon from which is propelled any missile, projectile, bullet or other mass through a barrel by means of explosives or gas or air, but excluding antique firearm, children's toy, "BB" gun, scuba gun, stud gun, nail gun, or similar industrial tool or medical instrument.

Firearms dealer. A person who is federally licensed to sell firearms.

Flood. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood fringe. That portion of the floodplain outside of the floodway.

Flood proofing. Those methods of construction described in the Uniform State Building Code which, when applied to structures or properties, will prevent or mitigate damage from floods.

Flood protection elevation. That elevation not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain.

Flood, regional. A flood which is representative of large floods known to have occurred and characteristic of what can be statistically expected to **have a one-percent (1%) chance of being equaled or exceeded in any given year** ~~occur on an average of once every one hundred (100) years~~ and have water surface elevations equal to those filed with and made a part of the River Corridor District Zoning Map. **Regional flood is synonymous with the term “base flood” in the Flood Insurance Study, and is commonly referred to as the “100-year flood” or “1% chance flood.”**

[DNR-recommended clarification.]

Flood, standard project. The flood that may be expected from the most severe combination of the meteorological and hydrological conditions that is considered reasonably characteristic of the Saint Paul geographic area, excluding extremely rare combinations. Such floods are intended as practicable expressions of the degree of protection that should be sought in the design of flood-control works, the failure of which might be disastrous.

Floodplain. The areas adjoining a watercourse at or below the water surface elevation associated with the regional flood that have been or hereafter may be covered by the regional flood.

Floodway. The channel of the watercourse and those portions of the adjoining floodplains which have been determined necessary to carry and discharge the regional flood. The floodway has been determined in accordance with Minnesota Statutes, Chapter 104, and Minnesota Regulations NR 85.

Floor area. The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking or loading, breezeways, and enclosed and unenclosed porches, elevator or stair bulkheads and accessory structures.

Floor area, gross (for the purposes of computing parking). The sum of the horizontal areas of each floor of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The gross floor area measurement is exclusive of areas of unfinished basements, unfinished cellars, unfinished attics, attached garages, space used for off-street parking or loading, breezeways, enclosed and unenclosed porches and accessory structures. However, unfinished basements and unfinished cellars are counted as storage space for purposes of meeting parking requirements.

Floor area, gross leasable (for the purposes of computing shared parking under section ~~632.12063(e)~~ **632.12063(e)**). The total floor area of a building or structure designed for the tenants' occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet and measured from the outside face of the exterior walls and from the centerline of common walls or joint partitions. All that area for which tenants pay rent, including sales and integral stock areas, but excluding stairwells, elevator shafts, mechanical rooms, space related to the operation and maintenance of the building, and lobbies and bathrooms located for common or public use rather than for tenant or internal use.

Floor area ratio (F.A.R.) The total floor area of all buildings or structures on a zoning lot divided by the area of said lot.

Floor area, usable. That area used for or intended to be used for the sale of merchandise or services,

or for use to serve patrons, clients or customers and all that area devoted to employee workspace. Such floor area which is used or intended to be used principally for the storage of merchandise, hallways, elevator or stair bulkheads or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the horizontal areas of the several floors of the building, measured from the exterior faces to the exterior walls.

~~Florist.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Food shelf.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Foster home.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Fraternity house.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Freestanding foster care home.~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

Front setback line. A line which is parallel to the front lot line which establishes the minimum front yard depth of a zoning lot. The location of such front setback line shall be determined by the required depth of the front yard as prescribed in the ~~schedule of regulations~~ **dimensional standards** of this code (Chapter 66+).

(Code 1956, §§ 60.331--60.336, 60.339, 60.396; Ord. No. 16876, 1-28-82; Ord. No. 16931, 6-15-82; Ord. No. 16956, 9-9-82; Ord. No. 17039, 7-7-83; Ord. No. 17204, 1-15-85; Ord. No. 17524, § 4, 1-6-88; Ord. No. 17646, § 4, 4-6-89; Ord. No. 17845, § 3, 6-27-91; C.F. No. 91-531, § 2, 5-6-93; C.F. No. 91-261, § 1, 11-23-93; C.F. No. 95-20, § 1, 3-15-95; C.F. No. 95-203, § 1, 3-22-95; C.F. No. 95-1140, § 2, 10-18-95)

Sec. 60.2087. G.

Grade. The elevation established for the purpose of regulating the number of stories and the height of buildings. Grade shall be the mean level of the finished surface of the ground adjacent to the exterior walls of the buildings.

~~Greenhouse.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Greenhouse, industrial.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Guest room. A room or a group of rooms forming a single habitable unit which is located within the walls of a dwelling unit and which is used or intended to be used for sleeping and living, but not for cooking or eating purposes and which is let individually as a unit. The guest room, designed and intended to be rented to a single party, shall consist of no more than two (2) rooms, not including bathing facilities, of which only one (1) shall be a sleeping room.

~~Gun shop.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

(Code 1956, §§ 60.337, 60.340, 60.397, 60.398; Ord. No. 17039, 7-7-83; Ord. No. 17393, § 1, 9-4-86; Ord. No. 17470, § 1, 7-1-87; C.F. No. 95-20, § 2, 3-15-95; C.F. No. 95-1140, § 3, 10-18-95)

Sec. 60.2098. H.

Hazardous waste. Any refuse or discarded material or combinations of refuse or discarded materials in solid, semisolid, liquid or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological or physical properties. Categories of hazardous waste include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous waste does not include sewage sludge and source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

~~Hazardous waste processing facility.~~ [Moved to new Ch. 65. Land Use Definitions and Devt. Standards.]

~~Health/sport club.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Helipport.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Helistop.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Heliport or helistop, private.~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

~~Heliport or helistop, public.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Historic structure (River Corridor District only). Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district; or
- (3) Designated by the city as a heritage preservation site.

~~Home occupation.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Hospice.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Hospital.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Housing for the elderly.~~ [Moved to new Land Use Definitions and Development Standards.]

(Code 1956, §§ 60.341, 60.342; Ord. No. 17039, 7-7-83; Ord. No. 17302, § 1, 10-29-85; Ord. No. 17524, § 5, 1-6-88; Ord. No. 17550, § 4, 4-12-88; Ord. No. 17564, § 3, 5-19-88; Ord. No. 17680, § 2, 9-14-89; Ord. No. 17845, § 4, 6-27-91; C.F. No. 91-531, § 3, 5-6-93; C.F. No. 95-1140, § 4, 10-18-95)

Sec. 60.2109. I.

~~Individual sewage treatment system.~~ [Moved to Sec. 60.220. S. Sewage treatment system, individual.]

~~Infectious waste processing facility.~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

Infectious waste. Waste meeting the definition of "infectious waste" under Minnesota Statutes, section 116.76, subdivision 12.

Institutional uses. For the purposes of siting cellular telephone antennas, schools (excluding day care uses), parks, cemeteries, golf courses, sports arenas, churches, hospitals, libraries, athletic fields, and land or structures owned by the city, county, state, or federal governments.

~~Intermodal freight yard.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

(Ord. No. 17889, § 6, 11-21-91; C.F. No. 92-1217, § 1, 10-6-92; C.F. No. 93-906, § 1, 11-4-93; C.F. No. 97-565, § 1, 6-11-97)

Sec. 60.2110. J.

~~Editor's note—Ordinance No. 17777, adopted Oct. 11, 1990, amended § 60.210. J. by deleting the definition of "junkyard" contained therein. Prior to this amendment, § 60.210. J. was derived from Code 1956, § 60.343, and Ord. No. 17039, adopted July 7, 1983.~~

Sec. 60.2121. K.

Sec. 60.2132. L.

Landscaping. Includes plants such as trees, grass and shrubs.

Limits of disturbance. The total area within a development site that will be disturbed in any way for land alteration or construction.

Loading dock. A large building door primarily used for loading/unloading items from trucks. The floor of a loading door dock is raised above the truck ramp's surface. This excludes bay doors **that** ~~which~~ are large building doors through which vehicles can drive.

Loading space. An off-street space, on the same lot with a building or group of buildings, for the

temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot. A parcel of land occupied, or intended to be occupied, by a main building or a group of main buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this zoning code. A lot may or may not be specifically designated as such on public records.

Lot area. The total horizontal area within the lot lines of the lot.

Lot, corner. A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this code if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line, extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot coverage. The part or percent of the lot occupied by the above-grade portion of buildings.

Lot depth. The average horizontal distance between the front and rear lot lines.

Lot, interior. Any lot other than a corner lot.

Lot lines. The lines bounding a lot as defined herein:

- (1) **Front Lot Line:** For an interior lot, the line separating said lot from the street. For a corner lot, the line separating said lot from either street. For a through lot, the line separating said lot from both streets.
- (2) **Rear Lot Line:** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
- (3) **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from the street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record. A platted parcel of land, the dimensions of which are shown on a document or map on file with the county recorder and which parcel of land actually exists as so shown; in no case shall a portion of an original platted lot constitute a lot of record.

Lot, reversed frontage corner. A corner lot, the rear lot line of which abuts a side lot line of an abutting lot.

Lot, through. Any lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot.

Lot width. The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines.

Lot, zoning. A single tract of land which, at the time of filing for a building permit, is designated by its owners or developers as a tract to be used, developed or built upon as a unit, under ownership or control of one person or joint tenants. A zoning lot shall satisfy this code with respect to area, size, dimensions and frontage as required in the district or districts in which the zoning lot is located. A zoning lot, therefore, may or may not coincide with a lot of record as filed with the county recorder but may include one or more lots of record.

(Code 1956, §§ 60.344--60.356; Ord. No. 16799, 5-28-81; Ord. No. 16876, 1-28-82; Ord. No. 16956, 9-9-82; Ord. No. 17524, § 6, 1-6-88; Ord. No. 17889, § 5, 11-21-91; C.F. No. 95-203, § 2, 3-22-95; C.F. No. 00-130, § 1, 3-1-00)

Sec. 60.2143. M.

Main (principal) building. A building in which is conducted the principal use of the zoning lot upon which it is situated.

Main (principal) use. The principal use to which the premises are devoted.

Major expansion. An expansion involving a twenty (20) percent or greater addition to the total land area presently covered or used by a residential, industrial, commercial, recreational or public facility.

~~*Major Thoroughfare.*~~ [Moved to *Sec. 60.221. T. Thoroughfare, Major.*]

Manufactured single-family dwelling. A structure transportable in one or more sections which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. No manufactured dwelling shall be moved into the City of Saint Paul which does not meet the Manufactured Home Building Code as defined in Minnesota Statutes, Section 327.31, Subdivision 3.

~~*Massage center.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards.*]

~~*Master plan or comprehensive plan.*~~ The comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality. Includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the city council. **A plan for a specific site proposed for development or redevelopment under the provisions of the TN3 District, in order to demonstrate compliance with the intent of that district.** [“Comprehensive plan” is separately defined to distinguish it from this new TN3-specific definition of “master plan.”]

~~*Metal shredder, large.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards.*]

~~*Metal shredder, small.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards.*]

***Mezzanine.* An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the area of the room or space in which the level or levels are located.** [Mezzanine was defined in the 1975 zoning code, and the definition of “story” continues to refer to “mezzanine, as defined herein.” This definition is from the new International Building Code.]

~~*Mining.*~~ [Moved to new *Chapter 65. Land Use Definitions and Development Standards.*]

Mississippi River Corridor. That area of the city within the boundaries of the Mississippi River Corridor Critical Area, established by Executive Order No. 79-19.

~~*Motor vehicle salvage operation.*~~ [Moved to new *Chapter 65. Land Use Definitions and Devt. Standards.*]

Multiuse retail center. A single, unified development on one (1) zoning lot ~~which~~ **that** provides commercial space to a variety of retail uses and has at least twenty thousand (20,000) square feet of gross leasable area.

Municipality. The City of Saint Paul.

(Code 1956, §§ 60.357--60.362, 60.389, 60.393, 60.594; Ord. No. 16876, 1-28-82; Ord. No. 16913, 4-27-82; Ord. No. 17039, 7-7-83; Ord. No. 17054, 10-6-83; Ord. No. 17564, § 4, 5-19-88; Ord. No. 17689, § 1, 10-26-89; Ord. No. 17777, 10-11-90; Ord. No. 17845, § 5, 6-27-91; C.F. No. 93-1718, § 10, 12-14-93; C.F. No. 97-1406, § 1, 12-10-97)

Sec. 60.2154. N.

***Net acreage, net area.* The area of a tract or parcel that is designated for development on a master plan, site plan or other development plan, not including any area occupied by a public or private street or alley right-of-way, pedestrian right-of-way, designated wetland or water body, or designated public open space.**

Nonconforming building. A lawful building existing on the effective date of adoption (October 24, 1975) or amendment of this code but that does not now comply with the area, width, height, yard,

percent of lot coverage, or other regulations concerning bulk or location on the lot, or spacing requirements from another use, off-street parking and loading requirements, or other regulations of the district in which it is located.

Nonconforming use. A lawful use existing on the effective date of adoption (October 24, 1975) or amendment of this code but that is not now permitted in the district in which it is located.

Normal highwater mark. A mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence of the level upon the landscape. It is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. When the normal highwater mark is not evident, setbacks shall be measured from the stream bank of the main channel, adjoining side channels, backwater and sloughs.

Nuisance. A substantial unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious or offensive.

~~*Nursing home.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

(Code 1956, §§ 60.363--60.365(1); Ord. No. 16876, 1-28-82; C.F. No. 96-307, § 1, 4-24-96)

Sec. 60.2165. O.

Obscene. Obscene has the same meaning as defined in Chapter 274 of the Saint Paul Legislative Code.

Obscene work. Obscene work has the same meaning as defined in Chapter 274 of the Saint Paul Legislative Code.

Obstruction (River Corridor District only). Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory floodplain which may impede, retard or change the direction of the flow of water, either by itself or by catching or collecting debris carried by such water.

~~*Off-street parking facility.*~~ [Moved to Sec. 60.217. P. below.]

~~*Overnight shelter.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Open space. Land and water areas retained for use as active or passive recreation areas or for resource protection. For the calculation of minimum open space within a TN3 Traditional Neighborhood District development, open space shall not include parking facilities, driveways, utility or service areas, or required yards.

Owner. "Ownership" or "owner" shall mean holder of fee simple title.

(Code 1956, §§ 60.366, 60.367; Ord. No. 16799, 5-28-81; Ord. No. 17564, § 5, 5-19-88; Ord. No. 17845, § 6, 6-27-91; C.F. No. 91-531, § 4, 5-6-93)

Sec. 60.2176. P.

~~*Package delivery service.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Parking. The placement of automobiles, trucks, trailers, semitrailers, intermodal cargo containers, or other vehicles for five (5) or fewer days.

~~*Parking facility, commercial.*~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

Parking facility, off-street. All areas, spaces and structures designed, used, required or intended to be used for the parking of more than three (3) motor vehicles. This definition is intended to include adequate driveways, accessways, parking bays, garages, of a combination thereof, but does not include public roads, streets, highways and alleys.

Parking space. An area of definite length and width designed for parking of motor vehicles; said

area shall be exclusive of drives, aisles or entrances giving access thereto.

Pathological waste. Waste meeting the definition of "pathological waste" under Minnesota Statutes, section 116.76, subdivision 14.

~~*Pawn shop.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Planning administrator or planning coordinator. The head of the division of planning of the department of planning and economic development of the City of Saint Paul, or such employees under his direction as he may designate.

Planning department. The division of planning of the department of planning and economic development of the City of Saint Paul.

Planning district. One (1) of seventeen (17) geographic areas delineated, and from time to time amended, by the city council to facilitate citizen participation, early notification of proposed city actions, and planning for the purpose of determining concentration of community residential facilities. Planning District Thirteen is divided into three (3) separate planning districts: Merriam Park, Snelling-Hamline and Lexington-Hamline. An official map of the designated areas is maintained by the department of planning and economic development.

Ponding area. A basin which retains stormwater runoff from an adjacent area.

Principal use or building. (See "main building" and "main use.")

Public realm. That aspect of the urban environment that is visible and accessible to the public, including both public spaces – such as streets, plazas, sidewalks and parks – and the building walls that frame them.

Public utility. A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing to the public, under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

(Code 1956, §§ 60.368--60.371, 60.395; Ord. No. 16799, 5-28-81; Ord. No. 16876, 1-28-82; Ord. No. 17845, § 7, 6-27-91; C.F. No. 93-906, § 2, 11-4-93; C.F. No. 96-1028, § 1, 10-9-96; C.F. No. 98-216, § 7, 4-8-98; C.F. No. 00-130, § 2, 3-1-00)

Sec. 60.2187. Q.

Sec. 60.2198. R.

Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

Recyclable material. Reusable material including, but not limited to, glass, plastics and synthetic materials, paper products (such as newspapers, stationery, scrap paper, computer paper and corrugated cardboard), rubber, batteries, ferrous and nonferrous metals, concrete, asphalt, wood, and building materials, but not including yard waste or mixed municipal solid waste (garbage).

~~*Recycling collection center.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~*Recycling drop-off station.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~*Recycling processing center.*~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

Regulatory flood protection elevation. That elevation not less than one foot above the water surface profile associated with the regional flood plus any increase in flood heights attributable to encroachments on the floodplain.

~~*Restaurant.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~*Restaurant, carry-out.*~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Restaurant, fast food.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Room.~~ For the purpose of determining lot area requirements and density in a multiple-family district a living room, dining room or bedroom equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one-, two- or three-bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density. [Density in multi-family districts should simply and clearly be calculated based on number of dwelling units rather than with the complex definitions and formulas used by the Saint Paul zoning code. Therefore, this definition should be deleted. Most zoning codes, including the Minneapolis zoning code, calculate density using a simple and straightforward calculation for number of units. The Saint Paul zoning code calculation based on number of rooms artificially discourages larger units and amenities such as a den.]

~~Roominghouse.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Root zone. The area under a tree that is at and within the drip line of a tree's canopy.

(Code 1956, §§ 60.372--60.375; Ord. No. 16876, 1-28-82; Ord. No. 17689, § 2, 10-26-89; Ord. No. 17777, 10-11-90; Ord. No. 17889, § 7, 11-21-91; C.F. No. 92-479, § 2, 10-29-92; C.F. No. 91-531, § 5, 5-6-93; C.F. No. 93-1718, § 11, 12-14-93; C.F. No. 95-472, § 1, 5-31-95; C.F. No. 96-462, § 2, 6-5-96; C.F. No. 97-1406, § 2, 12-10-97)

Sec. 60.2019. S.

Setback. The distance required to obtain front, side or rear yard open space provisions of this code, measured from the lot line to the above-grade faces of the building.

~~Sewage disposal system.~~ (See "Individual sewage treatment system.") [see below]

Sewage treatment system, individual. A sewage treatment system or part thereof serving a dwelling, or other establishment or group thereof, that uses subsurface soil treatment and disposal or aboveground soil treatment in areas of high water table or bedrock or rapidly or slowly permeable soils.

~~Shelter for battered persons.~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

Shoreland. Land located within the following distances from public waters: (a) One thousand (1,000) feet from the normal high water mark of a lake, pond, or flowage; and (b) three hundred (300) feet from a river or stream, or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances, as determined by the Minnesota Department of Natural Resources.

Sign. (See Chapter 646 Signs.)

Slopes, steep. Slopes which are steeper than one hundred (100) feet horizontal to twelve (12) feet vertical but are not steeper than one hundred (100) feet horizontal to eighteen (18) feet vertical (12%--18%).

Slopes, very steep. means Slopes which are steeper than one hundred (100) feet horizontal to eighteen (18) feet vertical (18% and over).

~~Solid waste compost facility.~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

~~Sorority house.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Specified anatomical areas:

- (1) Less than completely and opaquely covered:
 - a. Human genitals;
 - b. Pubic region;

- c. Buttocks; and
 - d. Female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy; and
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- (4) No obscene work shall be allowed.

~~State fair parking.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

~~Steam room/bathhouse facility.~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

Storage. The placement of items such as, but not limited to, the following: merchandise for sale or rent; materials awaiting servicing, processing or manufacturing; finished products of a servicing, processing or manufacturing operation; equipment; portable storage containers but excluding trash containers or garbage dumpsters ~~which~~ **that** are accessory to the main use; and automobiles, trucks, automobile trailers, semitrailers, intermodal cargo containers, or other vehicles not used for more than five (5) days. [The pronoun *that* more clearly signals a restrictive clause.]

Story. That part of a building, except a mezzanine, as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Story, half. An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' 6"). For the purpose of this code, the gross floor area is only that area having at least four (4) feet clear height between floor and ceiling.

Street. A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

Street, collector. A street connecting neighborhoods within the same communities and designed to carry traffic from local streets to the arterial system.

Street line. The property line separating private or public property from a designated street.

Street, local. A street connecting blocks within neighborhoods and designed for short trips at low speeds.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Superintendent of parks. The superintendent of parks of the City **of Saint Paul**.

Swimming pool. A pool or tub constructed either above or below grade and having a capacity of five thousand (5,000) or more gallons.

(Code 1956, §§ 60.376--60.385; Ord. No. 16876, 1-28-82; Ord. No. 16913, 4-27-82; Ord. No. 17039, 7-7-83; Ord. No. 17204, 1-15-85; Ord. No. 17564, § 6, 5-19-84; Ord. No. 17646, § 4, 4-6-89; Ord. No. 17667, § 1, 7-13-89; Ord. No. 17827, § 1, 5-9-91; Ord. No. 17845, § 8, 6-27-91; Ord. No. 17889, § 8, 11-21-91; C.F. No. 92-1479, § 1, 12-15-92; C.F. No. 91-261, § 3, 11-23-93; C.F. No. 97-1089, § 1, 10-1-97; C.F. No. 98-216, § 8, 4-8-98)

Sec. 60.2210. T.

Temporary use or building. A use or building permitted to exist under specific stipulations of this code during periods of construction of the main building or use, or for special events.

~~**Thoroughfare.** The principal arterials, intermediate arterials, minor arterials level A and B, and~~

~~collector streets as shown on Map 1, Functional Street Classification, a part of Chapter 66 of the Zoning Code.~~ [Map 1, Functional Street Classification has been deleted from Ch. 66. Signs. Therefore, this definition should also be deleted.]

Thoroughfare, major. An arterial street which is intended to serve large volumes of traffic for both the municipal area and the region beyond and shall include the following as defined in the comprehensive plan:

- (1) Principal Arterial: A street serving the entire metropolitan area and designed for high-volume, high-speed traffic, accessible only from entrance and exit ramps; principal arterials are often referred to as freeways.
- (2) Intermediate Arterial: A street connecting subregions and communities and designed to carry medium distance trips at high speeds; ideally direct access should be at major activity centers such as shopping centers.
- (3) Minor Arterial: A street connecting adjacent subregions and communities within the same subregion and designed to carry medium distance trips at moderate speeds; many of these streets are characterized by adjacent residential uses.

~~Totally or completely enclosed building.~~ [Moved to Sec. 60.203. B. Building, totally or completely enclosed.]

Transit street. Those streets or segments of streets where there is high volume transit service and/or a minimum level of 10 minute peak frequency as follows: University Avenue, Robert Street between University Avenue and Concord Street, Concord Street between Wabasha Street and State Street, and Wabasha Street between Twelfth Street and Winifred Street.

~~Transitional housing facility.~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

Tree. Any self-supporting, woody, perennial plant, usually with one (1) main stem or trunk and many branches.

Treeline. The more or less continuous line formed by the tops of trees in a wooded area when viewed from a particular point. Such line shall be determined during all seasons as if under full foliage.

~~Truck and motor freight terminals.~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

(Code 1956, §§ 60.386, 60.387; Ord. No. 16876, 1-28-82; Ord. No. 17039, 7-7-83; Ord. No. 17845, § 9, 6-27-91; Ord. No. 17889, § 9, 11-21-91; C.F. 92-1479, § 2, 12-15-92; C.F. No. 00-130, § 3, 3-1-00)

Sec. 60.2221. U.

Use. The principal purpose for which land or a building is being occupied.

(Code 1956, § 60.390)

Sec. 60.2232. V.

Variance. (See: "zoning special condition uses and variances.")

Vestibule. An enclosed entrance intended for the conservation of energy and attached to an entry way of a principal structure.

~~Veterinary clinic.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

(Code 1956, § 60.397; C.F. No. 93-1718, § 12, 12-14-93)

Sec. 60.2243. W.

Wetlands. Low-lying areas which may be covered with shallow water. They are frequently associated with a highwater table. Swamps, bogs, marshes, potholes, wet meadows and sloughs are wetlands. They may occur adjacent to or within natural drainageways or as freestanding low areas. Wetland shall consist of Types 1--8 as defined in U.S.D.I. Fish and Wildlife Circular 39.

~~Wholesale establishment.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

(Ord. No. 16876, 1-28-82; C.F. No. 92-1718, § 13, 12-14-93)

Sec. 60.2254. X.

Sec. 60.2265. Y.

Yard waste. A collection of lawn clippings, leaves, weeds, garden wastes and prunings.

~~Yard waste site, commercial.~~ [Moved to new Chapter 65. Land Use Definitions and Devt. Standards.]

~~Yard waste site, municipal.~~ [Moved to new Chapter 65. Land Use Definitions and Development Standards.]

Yards. The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this code, and as defined herein:

- (1) Front yard: An open space extending the full width of the front lot line, the depth of which is the minimum horizontal distance between the front lot line and the nearest above-grade point of the main building. For a corner lot which is not a reversed frontage corner lot, the front yard shall adjoin a front yard in an adjoining lot.
- (2) Rear yard: An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest above-grade point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- (3) Side yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest above-grade point of the main building.

(Code 1956, § 60.391; Ord. No. 17827, § 2, 5-9-91)

Sec. 60.2276. Z.

Zoning committee. An advisory committee to the planning commission, established under section 107.03 of the Saint Paul Administrative Code.

Zoning ~~special~~ conditional uses and variances:

- (1) ~~Special~~ Conditional uses: A ~~special~~ conditional use is a use permitted only after review and approval of an application by the planning commission, or the planning administrator where delegated to do so pursuant to section 614.300.
- (2) Variance: A modification of the literal provisions of the zoning code granted when strict enforcement of the zoning code would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. There are two (2) categories of variances:
 - a. Minor variance. A modification of a provision regulating a one-family detached dwelling and pertaining specifically to construction of a fence, a deck, a swimming pool, an accessory building, or an addition to the main building when the addition is not designed to convert the building for use by more than one (1) family.
 - b. Major variance. A modification of a provision regulating any development not specifically included in the definition of minor variance. Major variance includes any modification allowing the construction or moving of a one-family detached dwelling or allowing the addition of a second dwelling unit.
- (3) The "~~special~~ conditional use" differs from the "variance" in several respects. A ~~special~~ conditional use does not require hardship in order to be allowable. ~~The special Conditional~~ uses that are found in this code ~~appear as "special~~ require approval" by the planning commission. These land uses could not be conveniently allocated to one (1) zone or another,

or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one (1) or more of the following:

- a. They require large areas;
- b. They are infrequent;
- c. They sometimes create an unusual amount of traffic;
- d. They are sometimes obnoxious or hazardous;
- e. They are required for public safety and convenience.

(Code 1956, § 60.392; Ord. No. 17030, 6-7-83)

ARTICLE III. ~~60.300. ZONING DISTRICTS~~ ~~USES AND MAPS~~ **GENERALLY** **REGULATIONS***

***Editor's note--**The numbers in the various division and subdivision titles of this article are derived from the numbers given to the several sections of this part of the zoning code by the city and have been retained herein at the discretion of the editor for ease of reference by the user.

~~Division 1. General Provisions~~

Sec. 60.3010. Zoning districts established.

For the purposes of this code, the City of Saint Paul is hereby divided into the following **zoning** districts:

(a) RESIDENTIAL DISTRICTS:

~~R=EL~~ One-Family Large Lot Residential District:

R=1 One-Family Residential District:

R=2 One-Family Residential District:

R=3 One-Family Residential District:

R=4 One-Family Residential District:

RT=1 Two-Family Residential District:

RT=2 Townhouse Residential District:

RM=1 Low-Density, Low-Rise Multiple-Family Residential District:

RM=2 Medium-Density, Low-Rise Multiple-Family Residential District:

RM=3 High-Density, High-Rise Multiple-Family Residential District:

(b) TRADITIONAL NEIGHBORHOOD DISTRICTS

TN1 Traditional Neighborhood District

TN2 Traditional Neighborhood District

TN3 Traditional Neighborhood District

(c) BUSINESS DISTRICTS:

~~OS=1~~ Office-Service District:

B=1 Local Business District:

BC Community Business (Converted) District

B=2 Community Business District:

B=3 General Business District:

B=4 Central Business District:

B=5 Central Business-Service District:

~~B=2C Community Business (Converted) District:~~

(d) **INDUSTRIAL DISTRICTS:**

IR River Corridor Industrial District

I=1 **Light** Industrial District:

I=2 **General** Industrial District:

I=3 **Restricted** Industrial District:

(e) **CIVIC AND OPEN SPACE DISTRICTS**

CO Civic and Open Space District

CV Conservancy District

(f) **SPECIAL DISTRICTS:**

VP=† Vehicular Parking District:

PD Planned Development District:

(g) **OVERLAY DISTRICTS**

FP State Fair Parking Overlay District

TP Tree Preservation Overlay District

SD Shepard Davern Redevelopment Overlay District

WB White Bear Avenue Overlay District

HV Hillcrest Village Overlay District

(h) **RIVER CORRIDOR OVERLAY DISTRICTS**

RC=1 River Corridor Floodway Overlay District:

RC=2 River Corridor Flood Fringe Overlay District:

RC=3 River Corridor Urban Open Overlay District:

RC=4 River Corridor Urban Diversified Overlay District:

~~—RCR=1 River Corridor Residential District.~~

~~—RCI=1 River Corridor Industrial District.~~

~~—T Tree Preservation Overlay District.~~

(Code 1956, § 60.400; Ord. No. 17116, 3-22-84; Ord. No. 17222, § 1, 3-14-85; Ord. No. 17511, § 6, 11-12-87; Ord. No. 17889, § 10, 11-21-91; C.F. No. 01-501, § 1, 7-5-01)

Sec. 60.302. Primary and overlay districts.

Primary zoning districts include the districts listed in section 60.301(a) through (f). All property in the city shall be located within a primary zoning district. Overlay districts include the districts listed in section 60.301(g) and (h). [This is useful language from the new Minneapolis zoning code.]

Sec. 60.303~~1~~. Official zoning maps.

The City of Saint Paul is divided into various **zoning** districts shown on the maps accompanying this code, which maps are entitled "Zoning Map of Saint Paul." Such maps and any amendments, with all explanatory matter thereupon, are hereby made a part of this code and shall be as much a part of this code as if the matter and information set forth thereon were all fully described herein.

(Code 1956, § 60.401)

Sec. 60.304~~2~~. District boundaries interpreted.

Where uncertainty exists with respect to the boundaries of any of the districts established in this code as shown on the zoning map, the following rules shall be applied:

- (a~~1~~) Where district boundaries are indicated as approximately following the centerline of streets or highways, street lines, highway right-of-way lines or railroad right-of-way lines, such centerlines, street lines or highway right-of-way lines shall be construed to be said boundaries.
- (b~~2~~) Where district boundaries are ~~so~~ indicated ~~that they~~ **as** approximately following ~~the~~ lot lines, such lot lines shall be construed to be said boundaries.
- (c~~3~~) Where district boundaries are ~~so~~ indicated ~~that they are~~ **as** approximately parallel to the centerlines of streets or the centerlines of right-of-way lines of highways or railroads. such district boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the zoning map. If no such distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.
- (d~~4~~) Where the boundary of a district follows a stream, river, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the city unless otherwise indicated.
- (e~~5~~) Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be said district boundary line.
- (f) **Decisions on Floodway and Flood Fringe Overlay District boundaries shall be based on the regional flood profile and examination of the floodway delineation on the Flood Insurance Rate Map and other supporting technical data in the Flood Insurance Study as adopted in section 68.102.** [Recommended language from a DNR sample flood plain ordinance.]
- (g~~6~~) Where unzoned property may exist, or where public right-of-way may be realigned, or where there is any uncertainty, contradiction or conflict as to the intended location of district boundaries shown thereon, interpretation concerning the exact location of the district boundary lines shall be determined by resolution of the city council upon recommendation by the planning commission. The commission may hold a public hearing.

(Code 1956, § 60.402; Ord. No. 16956, 9-9-82)

Sec. 60.305~~3~~. Zoning of vacated areas.

Whenever any street, alley or other public way within the city shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same **zoneing** district as the property to which it attaches.

(Code 1956, § 60.403)

~~Sec. 60.304. District requirements.~~

~~All buildings and uses in any district shall be subject to the requirements of the "general provisions" and "general exceptions" of this code (Chapters 62 and 63).~~ [This is an unnecessary restatement of § 60.105. Scope of Regulations.]

(Code 1956, § 60.404)

Sec. ~~60.113~~60. Zoning lot, more than one zoning designation.

A use may be developed on a zoning lot that has two (2) or more zoning district designations so long as the use is permitted in each of the zoning districts. The minimum zoning requirements of each district shall apply to that part of the zoning lot in each zoning district.

[This is a more logical location for this paragraph.]

(C.F. No. 95-203, § 7, 3-22-95)

Sec. 60.3075. More restrictive or less restrictive districts.

When the code refers to more restrictive districts or less restrictive districts, the districts in order from more to less restrictive are: **CV, CO**, ~~R=LE~~, R=1, R=2, R=3, R=4, RT=1, RT=2, RM=1, RM=2, ~~R=CR=1~~, RM=3, **TN1**, OS=1, B=1, B=2C, **TN2**, B=2, **TN3**, B=3, B=4, B=5, ~~R=IR=1~~, I=1, I=2, I=3. The **VP=1** district shall be as restrictive as the district for which the **VP=1** district provides accessory parking.

(C.F. No. 96-307, § 2, 4-24-96; C.F. No. 01-501, § 1, 7-5-01)